IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 725 of 2001

Between:

1. P.Manohar Rao S/o.Late P.Kamala Manohar Rao
   R/o.1-10-144,Flat.No.502, Kamala Manchar Residency

Ashoknagar, Hyderabad
2. P.Mamatha Rao W/o.P.Manohar Rao
   R/o.1-10-144, Flat.No.502, Kamala Manohar Residency

Ashoknagar, Hyderabad.
3. P.Kiranmayee W/o.P.Vinod Rao
   R/o.1-10-148, Ashoknagar, Hyderabad

..... PETITIONERS

AND

1 The Registrar Co-operative Societies
  Hyderabad.
2 The Arayan Co-operative Bank Ltd.,
  Head Office, Nallakunta, Hyderabad,

Rep.by its Chief Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or other order or direction in the nature of a Writ declaring the action of the Respondents in contemplating the auction of the pledged properties i.e., precious stones such as diamonds, rubies and emeralds and studded ornaments vide Account No's.7879/B, 7881/B, 7880/B, as illegal, arbitrary without jurisdiction in the interest of justice.

(Prayer is amended as per the Court Order dt.7.2.2001 in W.P.M.P.No.2489 of 2001)

Counsel for the Petitioners:MR.C.NAGESWARA RAO

Counsel for the Respondent No.1: GP FOR COPERATION

Counsel for the Respondent No.2: MR. KISHORE RAI

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.725 OF 2001

ORDER:

The petitioners availed loan from second respondent bank. As they committed default, proceedings were initiated for recovery of the land and immovable properties, and precious stones of the petitioners were brought to sale. At that stage, the Writ Petition was filed seeking a declaration that the action of the respondents in contemplating to conduct sale of precious stones is illegal.

This Court while admitting the Writ Petition on 20.1.2001 stayed the auction on condition of petitioners depositing a sum of Rs.25,000/- each. The same was not paid in spite of the time extended by this Court. It is now brought to the notice of this Court by learned counsel for the petitioners, Ms.S.Madhavi and the learned Standing Counsel for second respondent that auction was conducted as petitioners committed default in paying the amounts as directed by this Court. In that view of the matter, the cause of action does not survive. It shall, however, be open to petitioners to pursue other remedies as per law.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

22.7.2005

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To

1 The Registrar Co-operative Societies
Hyderabad.
2 The Arayan Co-operative Bank Ltd.,
Head Office, Nallakunta, Hyderabad,

Rep.by its Chief Executive Officer.

3 2 CCs to G.P. for Cooperation, High Court Bldgs., Hyderabad (OUT)

4 2 CD copies.